

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
ORDINANCE COMMITTEE  
MINUTES OF PUBLIC MEETING**

DATE.....May 5, 2004  
TIME.....4:45 P.M.  
PLACE.....COUNTY  
OFFICE BLDG.  
20 N. 3RD STREET  
LAFAYETTE IN 47901

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>NON-VOTING</b>	<b>STAFF PRESENT</b>
Steve Schreckengast	Gary Schroeder		Sallie Fahey
Mark Hermodson	Dr. Carl Griffin		Margy Deverall
Gary Schroeder			Jay Seeger
KD Benson			
Robert Bowman			

KD Benson called the meeting to order.

**I. APPROVAL THE MINUTES**

Steve Schreckengast moved to approve the minutes of the April 20, 2004 meeting. Mark Hermodson seconded and motion carried by voice vote.

KD Benson stated that the request was not for the developments to put in sirens, but that there be a surcharge for sirens to cover the cost for that area. She said that public areas such as schools and parks are used as much as possible, but there are still subdivisions that do not have coverage.

Sallie Fahey mentioned that it was the opinion of the developers that it should be every citizen's responsibility to ensure that there is coverage. She informed the Commission that Steve Wettschurack would be attending the Administrator's Officer's meeting and she would ask him about the issue of overlapping coverage and the possibility of moving sirens. She said that the other issue that should be addressed is to ensure that any subdivision that is in need of a siren, reserves space. She explained that even if the cost of a siren could not be collected, at least a place for it could be guaranteed. She asked if any of the Homeland Security money would be available for sirens.

Steve Schreckengast asked if the developer or homeowner's association of Stonehenge specifically stated that they did not want a siren in their subdivision.

Sallie Fahey replied affirmatively that was her understanding.

**II. CONTINUE DISCUSSION ABOUT POSSIBLE CHANGES TO THE R1 ZONES (INCLUDING R1A, R1B and R1C).**

Margy Deverall stated that the staff held another work group with the developers to discuss the issues from the last Ordinance Committee meeting. She presented a handout that was used at the work group and explained that it contained the suggestions from the development community, formatted as it would appear in the UZO. She pointed out the existing requirements and the proposed changes. She said that the staff and developers agreed on all of the proposed changes, and the only issue still in question was the minimum lot width in the R1 zone (2-1-5). She stated that the staff would be agreeable to something less than 75', but not sure that 60' would be the right number.

Sallie Fahey questioned footnote 13.

Margy Deverall explained that footnote 13 was new and referred back to the highlighted portion that dealt with lots that have a 50' radius. She pointed out and explained footnote 12. She stated that the only other issue that they addressed, which was not in the original proposal, was the minimum vegetative cover. She explained that since there was a recommendation for a change in lot cover, there had to be a corresponding change in vegetative cover. She said that in each case where the lot coverage was increased 5%, then she reduced the vegetative cover by 5%. She mentioned that in each case she did all the calculations and still came out with 25% coverage still available for non-building structures such as patios or swimming pools.

KD Benson asked that if the reason to increase lot coverage was because bigger houses and garages were desired.

Sallie Fahey replied affirmatively. She mentioned that the last issue remaining was the R1 lot reduction on cul-de-sacs. She said that she asked William Davis to work up some examples of using the 60' instead of the 75' on cul-de-sacs. She stated that large gains were made in the rear yard by using the 60' lot width. She explained that by using a 65' lot width, 5' were lost in the back, but was made up by having 5' wider lots. She said that the question becomes, whether that extra 5' is more useful in the rear yard or in the width. She stated that her preference would be to have more flexibility in the width of the house because significant gains were still made in the rear yard.

William Davis, TBird Design, 4720 South 100 West Lafayette, IN, apologized for his poor choice of words at the last meeting. He stated that the main issue was to have back yard space and still have the front setbacks line up. He pointed out on the example of the lots that had 65' lot width. He said that the only difference between the 60' and 65' was the loss of 5' in the rear. He mentioned that there is still a considerable difference from the 75'.

Sallie Fahey pointed out some other lots in the example that the Committee could use as reference.

William Davis pointed out that the square footage of the lots would stay about the same, as well as the number of lots.

Sallie Fahey reiterated that the question is where the extra 5' makes more sense.

David Williams commented that the same size house could be put on either one.

William Davis stated that was correct. He said that in one example the house was turned sideways and it still made a significant difference in the yard areas. He commented that he would still prefer the 60' proposal, but could not argue with the 65' proposal.

Steve Schreckengast reviewed the history of the proposal for the benefit of the Committee members who had missed the last meeting. He asked if the developers and staff had discussed this since the last meeting.

William Davis replied affirmatively.

Sallie Fahey stated that she had asked the developers to look at a 65' example as opposed to a 60' because going from a 75' requirement to a 60' requirement was a big jump. She reiterated the differences between a 60' and a 65' lot. She stated that her preference would be to start at 65' and monitor issues such as inconsistencies in housing and variances for side setbacks. She mentioned that if everything goes well with a 65' and the developers still want 60', it could always be revisited in the future.

Steve Schreckengast asked if the developers would be agreeable to 65'.

William Davis replied affirmatively. He stated that it would be a great improvement from where we are.

Sallie Fahey reiterated that she would commit to revisiting the 60' in the future if everything goes well with the 65'.

KD Benson asked if everywhere in the handout, it said 60', it would now say 65'.

Sallie Fahey replied affirmatively.

Steve Schreckengast asked if this would apply to R1 and R1A.

William Davis replied just R1.

Mark Hermodson moved that the R1 requirement be changed from 60' to 65' lot width. Steve Schreckengast seconded the motion.

Sallie Fahey mentioned that there would have to be some house construction done in order to get a feel as to how this would really work. She stated that it might take a little while before it is revisited.

The motion carried by voice vote.

Mark Hermodson moved to send the proposal as amended to the Area Plan Commission. Steve Schreckengast seconded the motion.

KD Benson asked if the other classifications of R1, such as R1C and R1Z, were dropped.

Sallie Fahey stated that there was a consensus that with these changes, an R1C was not needed; R1Z should be reviewed after these changes were in place and R2 and R2U should be looked at separately.

Steve Schreckengast asked if these would be eliminated from the UZO, or left as is, for now.

Sallie Fahey explained that R1C, never existed and the R2 districts would stay as is for now. She stated that the work group would meet again to begin discussions on the R2 and R1Z districts.

Steve Schreckengast asked for clarification on 4-4-5, as to what is considered a chimney.

Sallie Fahey stated that if it were on a foundation, it would be part of the width of the house.

Steve Schreckengast pointed out that some of these are generic terms that could be interpreted differently.

Sallie Fahey stated that if there was a basement and the chimney did not go to the basement, but was on a slab, that would be an overhang.

Jay Seeger stated that the ordinance does not address that issue. He explained that a structural projection was the portion that extended into the minimum setback.

Sallie Fahey said that the question was how to measure setback to foundation, especially if the chimney had the same foundation as the house.

Steve Schreckengast asked if a surveyor would have to show something that is on the ground or something that is off the ground.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, stated that if it is on the ground it has to be shown as part of the house. He stated that a survey couldn't tell what is underground.

Sallie Fahey stated that she would add this topic to the Administrator's Officers meeting.

Steve Schreckengast suggested adding the wording “any overhang that is not on a permanent foundation”.

Jay Seeger suggested removing the word “chimney”.

Steve Schreckengast asked if this has been worded this way for a long time.

Sallie Fahey replied affirmatively.

Steve Schreckengast asked if there had been any problems with it.

Sallie Fahey replied none that she was aware of.

Steve Schreckengast commented that maybe it should be left alone.

The motion carried by voice vote.

Sallie Fahey informed the Committee that the Purdue presentation would replace the next Ordinance meeting on May 18, 2004. She said that there are a group of apartment owners that would like to address the Committee regarding the policies on what gets an R3 zone in the older neighborhood rezones. She stated that they submitted a written document and would like to be on the next available agenda. She said that she would send this written document out with the packet for the June 2 meeting. She commented that the question would be if the Committee wants to address these point, and if so which ones.

KD Benson asked if R3 was part of the topics from the Efficiency Meetings.

Sallie Fahey stated that the R3 gradation was, but this was a separate issue. She explained that these property owners were interested in addressing the policies such as; if a property was originally built as a single-family home, it does not get an R3 zone.

David Williams stated that the Committee has been very consistent with its decisions. He said that he would be willing to hear them out. He pointed out that there have not been any problems as a result of these policies.

Mark Hermodson agreed.

Steve Schreckengast asked how much time they were asking for.

Sallie Fahey stated that they have not specified a time. She explained that was the reason she asked for written document, so that the Committee could familiarize themselves before hand. She mentioned that this would be a good opportunity to show that government was open to public concerns.

Steve Schreckengast stated that he would be willing to hear them out, so long as it was not an extended presentation.

Sallie Fahey stated that this should be a one meeting presentation.

Several members agreed to hear this presentation.

David Williams stated that he would like to revisit holding the Ordinance Committee meetings on the third Tuesday of every month because he and KD Benson have a conflict with that date.

KD Benson asked if there could some suggestions prepared by the next meeting.

Sallie Fahey suggested that they think about them not being a week apart, and to consider Monday's because that has the least conflicts for staff.

Several members stated that the third Monday was the Lafayette BZA meetings.

Sallie Fahey stated the fourth Monday would cause some meetings to be 10 days apart, and a few would have an extra week in the month.

KD Benson stated that she would like suggestions from both the Committee members and staff to be reviewed at the next meeting.

Sallie Fahey stated that another alternative would be the Thursday after APC, since the BZA packet is already out by then.

KD Benson mentioned that Gary Schroeder and Carl Griffin would also have to weigh in. She asked that an email be sent with these suggestions. She informed the Committee that Jeff Hunter has a manufacturing and retail business out in the country that is not allowed in any zone.

Jay Seeger stated that was correct. He explained that this was a mixed use operation and therefore there are zones that would allow the manufacturing and different zones that would allow the retail sales.

KD Benson stated that he makes custom sheep feed. She said that Mr. Hunter requested that the Ordinance Committee consider his specific case.

Jay Seeger stated that Mr. Hunter is considering moving, but there is no zone that would allow both.

Sallie Fahey mentioned that Mr. Hunter did have some employees.

Jay Seeger stated that Mr. Hunter had approximately 2 full time employees and up to 5 seasonal employees who work on the manufacturing. He said that part of the problem is trying to define what he does. He explained that not only does Mr. Hunter manufacture feed, he sells it, sells sheep supplies, has a mail order business and an internet business. He pointed out that these are all agricultural related.

Steve Schreckengast suggested an agricultural PD.

Jay Seeger stated that he had been considering some sort of special exception policy, but that might be too flexible. He said that and agricultural PD might make sense.

KD Benson asked if it was possible to research an agricultural PD.

Jay Seeger stated that it would have to be looked into, but might be a possibility.

Sallie Fahey pointed out that it is a mixed use in an agricultural zone.

KD Benson asked Jay Seeger to call Mr. Hunter and let him know the status of his request.

Jay Seeger stated that he has to go through Mr. Hunter's attorney, but he would do so.

Steve Schreckengast asked if active enforcement would be halted while a solution is sought.

Jay Seeger stated that this has not been actively enforced because Mr. Hunter is making an effort to correct it.

### **III. CITIZEN COMMENTS**

A member of the audience stated that an agricultural PD was a good idea because there are more of these situations than anyone realized. He mentioned one was located on CR 600.

**IV. ADJOURNMENT**

Steve Schreckengast moved to adjourn the meeting. KD Benson adjourned the meeting

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



Sallie Dell Fahey  
Executive Director